

### **REMARKS**

This responds to the Interview Summary mailed on October 25, 2005. A telephonic interview was conducted on September 7, 2005. Examiner Timothy Harbeck, Examiner Hyung Sough, Mark Vatuone, and Andre Marais were present.

Claims 1 and 10 were discussed with regard to their scope and meaning. Claim 1 is reproduced below:

A computer implemented method of facilitating an electronic transaction, the computer implemented method comprising:

presenting, via a first computer system, both an auction purchase process and a fixed-price purchase process for purchase of an offering to a buyer; and

responsive to receipt of a bid from the buyer as part of the auction purchase process, removing the presentation of the fixed-price purchase process.

The general thrust of the principal argument to the Examiners was that claims 1 and 10 require removing the presentation of a fixed-price purchase process from a buyer responsive to receipt of a bid from the buyer.

Applicants advised Examiners that a Petition to Make Special had previously been submitted and that consulting the document may provide assistance in any subsequent search of the prior art.

Examiners agreed to take the above points into consideration on the next search.

Claims 10-15 were discussed with regard to a 101 rejection noted in an Office Action mailed June 27, 2005. Applicant agreed to recite "a computer" within the body of the claim 10 responsive to overcoming the 101 rejection.

**CONCLUSION**

The Examiner is invited to telephone Applicant's attorney at 408-846-8871 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

REED MALTZMAN

By his Representatives,

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Date 11/28/2005

By Mark R. Vatuone  
Mark R. Vatuone  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28 day of November, 2005.

Dawn R. Shaw  
Name

Dawn R. Shaw  
Signature

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